

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11042 of 2007

Dated: 16-07-2007

Between:

Thoopili Surendranath Reddy and others.

..... PETITIONERS

AND

The District Collector, Nellore, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11042 of 2007

ORDER:

The petitioners are owners of agricultural land situated at Eeduru Village, Totapall Gudur Mandal, Nellore District. As alleged first petitioner owns Acs.2.48, second petitioner owns Acs.2.18, third petitioner owns Acs.2.48, fourth petitioner owns Acs.2.34, fifth petitioner owns Acs.3.50 and sixth petitioner owns Acs.3.50 in survey Nos.517, 518, 525/A, 527 and 528. Said land is wetland. They allege that the owners of the lands in the neighbourhood converted their lands into fishponds and therefore, they also followed the same. Twenty years ago, as alleged, they dug fishponds and have taken up sweet water prawn culture. In 2006, alleging that third respondent is trying to demolish their fish ponds, they filed W.P.No.20919 of 2006, which was dismissed on 13.10.2006 observing that said writ petition was filed on apprehension. Thereafter third respondent issued show-cause notices to the petitioners on 15.02.2007 asking as to why their fishponds should not be demolished. The petitioners submitted explanation on 26.02.2007, *inter alia*, contending that they did not change the texture of the land and that their land would not fall under full tank level (FTL) of Eeduru/Koduru tank. On 07.05.2007, third respondent passed separate orders in Rc.B.594/2004 directing the petitioners to stop aqua culture forthwith and to bring the texture of the land to its original status on pain of coercive action for removal of fishponds. Aggrieved by these orders, they filed instant writ petition.

The learned counsel for the petitioners submits that the petitioners have already approached the Central Aqua Culture Authority (CACA), Chennai, and as per the reliable information they have received, CACA has already permitted fish culture in their land. Secondly he contends that all the petitioners have released fish in their tanks and if at this juncture their tanks are disturbed, they would suffer financial loss.

The learned Assistant Government Pleader for Revenue (General-A) relies on the decision of the Supreme Court in **S. Jagannath v. Union of India**^[1] and the decision of a Division Bench of this Court in **Madireddy Padma Rambabu v. District Forest Officer, Kakinada**^[2] and submits that third respondent is competent to issue show-cause notice and pass final orders and that as on today there is no sanction as alleged from CACA.

The matter was heard on 26.06.2007. Again when the matter was heard on 06.07.2007, the learned counsel for the petitioners took time to produce a copy of the orders of CACA and accordingly time was

granted. When the matter is called again today, the learned counsel for the petitioners submits that so far orders of CACA are not received but his clients (petitioners) have reliably learnt that such orders are already passed. This only shows that the petitioners are again trying to drag on the matter by raising untenable contentions before this Court. The issue raised in this case is squarely covered by the decisions of the Supreme Court as well as the Division Bench of this Court referred to hereinabove. In the Division Bench judgment, this Court has held that the agricultural land cannot be converted into fishponds without permission from CACA and that it shall be competent to all the revenue authorities to prevent conversion of agricultural land into fishponds and take necessary action for preventing such conversion. Therefore, in this case, third respondent issued show-cause notices on 15.02.2007 and after obtaining explanation from the petitioners passed impugned orders dated 07.05.2007 directing them to remove the fishponds and bring the land to its original status. If the petitioners fail to do so, it is always open to third respondent to remove fishponds by taking such steps and recover costs from them. Such action would be in accordance with the law laid by the Supreme Court as well as the law laid down by the Division Bench of this Court referred to hereinabove.

The writ petition is devoid of merits and the same, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

16th July, 2007
ghn

[\[1\]](#) AIR 1997 SC 811

[\[2\]](#) 2002(1) ALD 728 (DB)